Nova Scotia
Advisory Council
on the Status of
Women

Conseil consultatif
sur la condition
féminine de la
Nouvelle-Écosse

An agency of the
Province of Nova Scotia

REPORT ON
THE CRIMINAL INJURIES COMPENSATION BOARD

SUBMITTED TO
THE HONOURABLE THOMAS MCINNIS, Q.C.
ATTORNEY GENERAL

APRIL 1990

NOVA SCOTIA ADVISORY COUNCIL ON THE STATUS OF WOMEN
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INTRODUCTION

Over the past few years, considerable attention has been focused on victims of crime in Nova Scotia. The establishment in 1981 of the Criminal Injuries Compensation Board under the *Compensation for Victims of Crime Act* was a precursor to more recent initiatives including the creation of the position of Coordinator of Victim Services in 1988 and the establishment of the *Victims' Rights and Services Act*, which came into effect on January 1, 1990.

Outside of government, several organizations, among them the Service for Sexual Assault Victims, Victims of Violence, transition houses, and a number of self-help groups, have emerged to provide advocacy, support and services to victims of crime. The Nova Scotia Advisory Council on the Status of Women has also been active in the provision of victim support services since its inception in 1977. While the mandates and objectives of these organizations are varied, it is reasonable to suggest that the survival, recovery, and long-term well-being of the victim is a common goal of each.

Over the past several months, the Advisory Council has undertaken an extensive consultation process with victim's groups, community agencies, women's organizations and individuals with respect to services for victims. We anticipate that these consultations will be ongoing, and that from time to time emerging issues will be identified for consideration by the Government of Nova Scotia. Due to the increasing caseload of the Criminal Injuries Compensation Board, the subsequent media coverage of Criminal Injuries Compensation Board cases (see Appendix A), and individual complaints from the public, the initial focus of these consultations has been the Criminal Injuries Compensation Board.

The establishment of the Criminal Injuries Compensation Board in 1981 was hailed as a positive initiative to provide victims of crime or their dependents with financial compensation in the event of death or injury, including bodily harm,

mental or nervous shock, pain and suffering. Prior to the Board's establishment, financial compensation was rarely, if ever, available to victims and most were left to their own devices in the rebuilding of their lives. Since its inception, the Criminal Injuries Compensation Board has made countless awards to victims, the cost being shared between the federal and provincial governments.

Board Composition

As of February 1990, the Board has three members, an investigator and a secretary/hearing reporter. Currently, all Board members are male, as is the Board's investigator; the secretary-reporter is female. To our knowledge, the size and all-male composition of the Board has remained unchanged since its inception in 1981. As 53 percent of Nova Scotia's population is female, we question the lack of female representation on the Board.

We would further suggest that women comprise the vast majority of victims of certain kinds of crime. While men are in the majority as victims of crime in general, women predominate as victims of sex-related and domestic crimes. Eighty-two percent of the victims of child sexual abuse are female[1]. Women are more likely to experience theft of personal property than men, and are more likely to be victimized by assault and robbery in their own homes[2]. Women are also much more likely to be victimized by relatives, friends, and acquaintances than are men. Low income women and women with limited education are even more vulnerable to being victimized.[3]

These factors, along with the way domestic and sex-related crimes have traditionally been dealt with, combine to render women's experiences as victims of crime quite different from the experiences of men. Before making application

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[1] Nova Scotia Child Abuse Register, 1987 data.

[2] Linda MacLeod, The City for Women: No Safe Place, paper prepared for the European and North American Conference on Urban Safety and Crime Prevention, Montreal 1989.

[3] Solicitor General, Canadian Urban Victimization Survey Bulletin 4: Female Victims of Crime, Ottawa: 1985.

to the Board for compensation, female victims of crime are usually obliged to pass through a series of traumatic procedures beginning with law enforcement officers, investigators, crown prosecutors, and ultimately concluding with the judiciary, all male-dominated professions. Sexual assault, sexual abuse, family violence and common assault are crimes which are often associated with long-term pain and suffering. These are also crimes which our society is just beginning to publicly recognize and condemn. Often female victims sense a lack of understanding and compassion from male members of society with respect to the types of crimes perpetrated against women. In many cases, victims of crime turn to other victims to obtain the understanding and support they require to recover.

The Chairman of the Criminal Injuries Compensation Board, Mr. David Waterbury, Q.C., noted in a recent interview that there is a marked increase in the number of applications to the Board and likewise an increase in the number of applications relating to sexual assault, sexual abuse and family violence. The nature of these crimes, in our view, differ dramatically from others which may come before the Board and require particular expertise. To that end, the Nova Scotia Advisory Council on the Status of Women recommends:

- that representation on the Criminal Injuries Compensation Board be amended to include women, with particular consideration being given to black women, native women and women of other visible minorities;

- that representation on the Criminal Injuries Compensation Board be amended to include individuals with qualifications in social work and/or counselling; and

- that individuals with expertise on violence against women (psychologists, social workers, counsellors, etc.) be consulted in cases involving sexual assault, abuse, harassment, incest and domestic violence. When the Board uses such consultants they should be paid in the same manner as are doctors who receive remuneration for giving medical reports.

Board Procedures

The increasing number of cases involving sexual assault, sexual abuse, incest and family violence does not necessarily denote an increase in the occurrence of these crimes but is perhaps an indicator that the public is becoming more aware of the existence of the Board due to increased media coverage or that more victims are willing to come forward. Regardless of the reasons, the Advisory Council submits that these crimes differ substantially from other offenses in their nature and long-term effects. They require that the Board consider the use of expert consultants in the areas of sexual abuse, incest, and assault in its deliberations. And again, we wish to emphasize the long-term psychological damage and the resulting costs to victims of such crimes in the determination of awards in these cases. Few services and support systems presently exist to assist victims of these crimes, and until they do, compensation awards should reflect the undue hardships placed on these victims.

The Advisory Council has grave concerns regarding the information supplied to applicants seeking compensation from the Criminal Injuries Compensation Board. The form letter used by the Board to acknowledge receipt of application briefly outlines the responsibilities of the applicant (see Appendix B). The wording of the letter places the onus upon the victim, and one questions whether the victim is being served by the Board or further victimized. The letter concludes by stating, *"Although a hearing is usually required, this procedure is not as formal as usual court proceedings and will not be a very trying experience to an honest victim."* Are we to infer from this letter that the Board expects to hear from dishonest victims and, further, that behaving well will produce a no-stress hearing, while poor behaviour will result in a "trying experience"?

The letter does not mention that the perpetrator of the criminal injury has the right to be present at the hearing. Contrary to the Board's assertions, the presence of the offender at the hearing may be a debilitating and trying experience for many applicants, particularly when it comes as an unexpected and unwelcome surprise.

We feel that the purpose that is being served by the accused being present must be examined very carefully. In a majority of cases the accused has already been found guilty in a court of law -- allowing the accused to be present results in a situation where their rights are protected to the detriment of the rights of the victim. If the Criminal Injuries Compensation Board wants to be able to sue the accused in turn to pay compensation, it should provide the accused with another opportunity to respond before the Board.

Furthermore, applicants are not advised that they may have legal representation at the hearing, unless they make specific inquiries in this regard. Nor is the above mentioned information contained in the brochure *Compensation for Victims of Crime* which explains the role of the Criminal Injuries Compensation Board (see Appendix C).

Presently, most legal aid offices will not, as a matter of policy, represent victims appearing before the Criminal Injuries Compensation Board. The reasons for this are three-fold. First, the Board was originally set up as a tribunal at which people would be able to appear unrepresented. There are, however, vast differences in the personal skills of victims of violence. Many people are intimidated by the process and are not able to adequately represent themselves; others may still be emotionally and psychologically upset by their experience of victimization and would benefit from the presence of an advocate who could speak on their behalf.

Secondly, there has been an assumption that if claimants are going to be receiving an award, they can hire a private lawyer to represent them on a contingency basis. This puts the onus on victims to convince a lawyer in private practice of the liklihood of their claim being successful -- no doubt such assessments on the part of the lawyer are based on personal values as well as professional judgment. We assert the right of all victims to appear before the Board regardless of their ability to demonstrate the "worthiness" of their case to a lawyer. Such pre-screening of applicants only results in gatekeeping practices which defy the intent of the Board to give a fair hearing to all victims who wish to apply. In addition, the fee demanded by private lawyers is

generally 20 percent of the award for an out-of-court settlement, and 30 percent of the award for an in-court settlement. In a system where lawyers' fees are not recognized above $200, this can seriously lessen the amount of the award that actually gets into the victim's hands.

Finally, and most importantly, legal aid budgets have not been expanding as rapidly as their workloads, and directors must make difficult choices concerning what services they will provide to clients. The Advisory Council recommends that additional funds be infused into the legal aid system specifically designated for the provision of services to Board claimants. It is becoming increasingly difficult for unrepresented victims to appear before the Board. The onus should not be on the victims, many of whom are unable to afford private lawyers, to secure legal counsel.

The Advisory Council recommends:

- that, at the very least, applicants to the Criminal Injuries Compensation Board be made aware that the offender may be present at the hearing;

- that applicants to the Criminal Injuries Compensation Board be explicitly advised of their option to have legal representation;

- that the allowance for payment to lawyers be raised from $200 to $400 over and above the amount of compensation awarded for injury, pain and suffering;

- that an appeal process be built into the Criminal Injuries Compensation Board process for those applicants who are dissatisfied with the Board's decision;

- that this information be incorporated into a new brochure; and

- that additional funds be infused into the legal aid system specifically designated for the provision of services to the Criminal Injuries Compensation Board.

Publication of Board Decisions

Women who are victims of sexual assault, incest and family violence muster great courage in laying complaints with law enforcement agencies, in testifying in court, and, indeed, in applying for restitution through the Criminal Injuries Compensation Board. In a recent case before the Board, the complainant, a victim of sexual assault, had previously been through a court proceeding where a ban on publication had protected her identity. However, the Criminal Injuries Compensation Board did not hold an *in camera* hearing and the resulting decision was published in a local newspaper. This resulted in the news item being thoughtlessly posted on her employer's bulletin board, and she subsequently suffered the additional embarrassment and humiliation of her devastating experience, as it was widely discussed by her colleagues.

Although the annual reports of the Board do not contain the names and addresses of victims, they do contain information in relation to the victims' age, sex and employment/marital status. This information may be valid in relation to statistical record keeping for the Board, but hardly seems relevant in relation to awards.

In cases where details of the crime are often devastating to the victim, the Advisory Council recommends:

- that victims should be given, in advance, the option of requesting an *in camera* hearing; and

- that publication of Board decisions should contain no identifying information regarding the victim.

Compensatory Criteria

The invocation of Section 25 (1) of the *Compensation for Victims of Crime Act* outlines "Factors Considered in Grant of Compensation" and reads:

> The Board, in making an order for the payment of compensation, shall consider and take into account

> all such circumstances as it considers relevant to the making of the order, and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour of the victim that directly or indirectly contributed to his injury or death.

A review of annual reports of the Board, press accounts and interviews with Board applicants indicates that Section 25 (1) is frequently invoked in granting compensation. This section is wide in its scope and, in our opinion, highly subjective. For example, can the victim of a sexual assault have her award reduced because she was wearing a tight-fitting sweater and walking on a dark street at the time? Can this victim be penalized because she failed to adequately resist or fight off her attacker? Can the relationship of the perpetrator to the female victim be interpreted as having directly or indirectly contributed to her injury? This gives rise to questions regarding the increasing number of date rapes occurring on Canada's university campuses and elsewhere. Can a condition where two people have dated previously be interpreted as directly or indirectly contributing to a sexual assault at a later date?

In its annual reports, the Board cites cases where alcohol consumption on the part of the victim resulted in a reduced award. In some cases, victims have been drinking illegally and are underage, but in many others, victims are simply penalized because of alcohol consumption (see Appendix D). Several cases are outlined where penalties are invoked as in the situation where two men are drinking in a bar or tavern, a brawl erupts and one man is injured. In such cases, the invocation of Section 25 (1) may be valid.

However, a recent case brought to the attention of the Advisory Council involved a female complainant who had been assaulted by a male stranger in the elevator of her apartment building. The woman was 5 feet 4 inches tall and weighed 130 pounds. The perpetrator was 5 feet 10 inches tall and weighed over 145 pounds. The victim's award was reduced by 33 percent because it was determined that she had been under the influence of alcohol at the time of the assault. It is difficult to imagine what chance a 5-foot, 4-inch, 130-pound female victim would

have in fighting off a much taller and heavier attacker in a confined elevator, regardless of alcohol consumption on her part.

The consumption of alcohol is not illegal in Canada unless the user is underage or operating a motor vehicle while impaired. Although the argument can justifiably be made that alcohol consumption may cause a variety of disturbing results, its use remains within the limits of the law and, as such, it should not be treated as a weapon with which to penalize unfortunate victims. It is interesting to note that alcohol consumption on the part of the victim is often used in legal arguments to question the validity of the victim's injuries but, conversely, is also frequently raised in the defence of the accused by way of an excuse for the criminal behaviour.

A Board hearing may be described as "not a trying experience" by its staff, but this is not always the perception held by applicants. Many victims, while capable of stoically presenting their case before the Board, are suffering great stress internally. The Board should not automatically infer that a victim is handling her injury well, but rather base its decision on the extent of the injuries incurred and presented to it. The emotional state of the victim during the hearing process should not be considered a valid indicator of the victim's pain and suffering, but only an indicator of the victim's ability or inability to endure the stress of the formal hearing. At the same time, the physical demeanour and attire of the victim during the hearing should not be prejudicial factors in determining the granting of compensation. The financial status of the victim should also be eliminated as a basis for determining the amount of an award for pain and suffering.

The Advisory Council recommends:

- that decisions on the extent of injury, pain and suffering should be based on testimony, medical documentation and other objective evidence and not prejudiced by the victim's emotional state or physical demeanour at the hearing process;

- that cases involving alcohol impairment be considered on their individual merits and that victims not be automatically considered to have contributed to their misfortune by virtue of being intoxicated;

- that a financially advantaged victim should be compensated based on the same criteria for pain and suffering as would a victim with limited financial resources; and

- that social assistance recipients should not have the amount of their award deducted from their income.

Eligibility for Compensation

Reports of the Board's awarding compensation to police officers have recently been published (see Appendix E). We acknowledge that police officers, like the public at large, can be victims of crimes. However, we submit that the work of the police officer includes keeping the peace, enforcing the law, and intervening in the commission of crime. It is for this reason that police officers and others, such as security guards, fisheries officers and wardens, are trained, armed and paid a salary. It would seem self-evident that police officers must accept the reality that they, more than others, stand at risk in the prevention of crime. Police officers, unlike members of the public, are compensated for injuries sustained while on duty. Provisions have also been made for injured officers to move to new areas of responsibility where appropriate. Generally, the private citizen is not compensated in these areas, and often the Criminal Injuries Compensation Board is the only source of financial compensation.

The Advisory Council recommends:

- that, given the limited resources of the Criminal Injuries Compensation Board and the increasing demand on those resources, law enforcement officers and other public servants covered under compensation packages should not be eligible for awards under the *Compensation for Victims of Crime Act*; and

- that if existing compensation provisions are deficient with respect to law enforcement agencies and their employees, those should be enhanced and adapted to meet the needs of the employees.

SUMMARY OF RECOMMENDATIONS

- that representation on the Criminal Injuries Compensation Board be amended to include women, with particular consideration being given to women of colour, native women and women of other visible minorities;

- that representation on the Criminal Injuries Compensation Board be amended to include individuals with qualifications in social work and/or counselling;

- That individuals with expertise on violence against women (psychologists, social workers, counsellors, etc.) be consulted in cases involving sexual assault, abuse, harassment, incest and domestic violence. When the Board uses such consultants they should be paid in the same manner as are doctors who receive remuneration for giving medical reports;

- that applicants to the Criminal Injuries Compensation Board be made aware that the offender may be present at the hearing;

- that applicants to the Criminal Injuries Compensation Board be explicitly advised of their option to have legal representation;

- that the allowance for payment to lawyers be raised from $200 to $400 over and above the amount of compensation awarded for injury, pain and suffering;

- that an appeal process be built into the Criminal Injuries Compensation Board process for those applicants who are dissatisfied with the Board's decision;

- that this information be incorporated into a new brochure;

- that additional funds be infused into the legal aid system specifically designated for the provision of services to the Board;

- that victims should be given the option of requesting an *in camera* hearing;

- that publication of Board decisions should contain no identifying information regarding the victim;

- that decisions on the extent of injury, pain and suffering should be based on testimony, medical documentation and other objective evidence and not prejudiced by the victim's emotional state or physical demeanour at the hearing process;

- that cases involving alcohol impairment be considered on their individual merits and that victims not be automatically considered to have contributed to their misfortune by virtue of being intoxicated;

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- that, given the limited resources of the Criminal Injuries Compensation Board and the increasing demand on those resources, law enforcement officers and other public servants covered under compensation packages should not be eligible for awards under the *Compensation for Victims of Crime Act;*

- that if existing compensation provisions are deficient with respect to law enforcement agencies and their employees, those should be enhanced and adapted to meet the needs of the employees; and

- that social assistance recipients should not have the amount of their award deducted from their income.

Crime victims comp panel overloaded, says chairman

By ROB ROBERTS
The Daily News

Nova Scotia's Criminal Injuries Compensation Board is overworked, and will soon need more members or a different method of hearing cases, its chairman says.

"Our caseload has gone up so much," said David Waterbury.

"The day when we will (need a larger board) is not too far away, less than four or five years.

The board now has three members: Waterbury, a Kentville lawyer; Dr. Benson Auld, and accountant Pat Copeland.

Halifax's Services for Sexual Assault Victims have called for a female board member.

The three hold hearings twice weekly, and Waterbury said he can see having to hold hearings more often or when two boards sit at once.

Its only staff is an investigator and two secretaries. The highest possible award for a civilian is $30,000.

"I thought I was going to be able to do it part-time," said Waterbury. "But cripes, it keeps me here longer and longer."

Waterbury said a change to the British system, where cases are heard by one member and only go to a larger board on appeal, may be a solution.

Next week, Waterbury will get a chance to explore the options as representatives of compensation boards around the world come to Halifax for the biannual meeting of the International Association of Crime Victims' Compensation Boards.

"We hope to learn from each other," said Waterbury, who is also co-chairman of the international group.

As it nears its 13th anniversary, the concept of compensating victims of violent crimes with money is becoming world-wide.

In Japan, Britain, Hong Kong, Australia, Puerto Rico, Portugal, Nigeria and elsewhere, governments have set up agencies to reimburse the victims of crime.

From Tuesday to Saturday, 120 representatives of 50 compensation boards will discuss their business.

Speakers include Attorney General Tom McInnis and former federal justice minister Ray Hnatshyn.

Daily News, April 17, 1989

McInnis hints at overhaul of N.S. courts

By ROB ROBERTS
The Daily News

Attorney General Tom McInnis is hinting there may soon be an overhaul of the province's justice system — possibly including unification of all court levels.

"I'm not going to say very much on it today," McInnis said yesterday. "Suffice to say we have it under very active consideration. I'll have more to say about that in the ensuing weeks, when we flesh out exactly all we want to do."

McInnis said reform is on the Buchanan government's "front burner," and unification of all levels "is one component of what we're looking at."

"It's not something we're just going to let sit. It would be unwise if we did not proceed . . . with a view to coming back with some substantial changes."

In a speech to the Canadian Association of Crime Victims Compensation Boards, meeting at the Halifax Sheraton, McInnis mentioned with approval recent proposals in Ontario and British Columbia to restructure their court systems.

not merged county and supreme courts.

Among those pushing for a change is Chief Justice Lorne Clarke, who has said a review would be healthy.

"The administration of justice can always stand improvements, and reviewing the process from time to time is a healthy thing to do," Clarke has said.

No easing

McInnis also said yesterday that the heavy caseload of Nova Scotia's Criminal Injuries Compensation Board would not soon be eased by the addition of more board members.

The board is currently overworked, facing an increasing caseload as the public discovers its existence. Chairman David Waterbury said a major change will be necessary in a few years.

"I'm not sure it's necessary at this point," McInnis said. The AG had support, however, for a recommendation from Services for Sexual Assault Victims that a woman be included among any new members.

Daily News, April 27, 1989

Crime victims' rights being reviewed — AG

By JAMES LATTER
Staff Reporter

In the past, too little attention has been paid to the rights of victims of crime, while the rights of criminal offenders have been highlighted, Attorney General Tom McInnis said Wednesday.

Mr. McInnis was addressing the annual meeting of the Canadian Association of Crime Victims Compensation Boards in Halifax.

The national conference, being held in conjunction with the meeting of an international victims of crime association, runs through Saturday.

The Canadian Charter of Rights and Freedoms has prompted a review of legislation and procedures affecting individual rights, Mr. McInnis noted, with this examination leading to greater efforts to meet the needs of victims of crime.

Nova Scotia, like other areas of the country, has experienced dramatic increases in the numbers of claims from victims of violent crimes, the attorney general said.

The provincial government, which introduced a Compensation for Victims of Crime Act in 1981, has now unveiled the Victims' Rights and Services Act, which was passed by the legislature in June.

Mr. McInnis said he expects the new act — which will provide services to victims beyond the benefits supplied by the existing criminal injuries compensation process — to be proclaimed by this fall.

Among other provisions, the act establishes a victims' assistance fund, which will receive revenue from a victim fine surcharge, to be imposed on offenders.

The fund will be used to establish and expand victim services through the financing of community services and volunteer agencies.

The act aims to provide victims with the right of access to social, legal, medical and mental health services that are responsive to their needs, said the minister.

Chronicle-Herald, April 27,1989

APPENDIX A-1

Injuries compensation boards said not in tune with victims

By JAMES LATTER
Staff Reporter

The needs of victims of violent criminal offences have never really been carefully considered by the agencies which have taken on the role of compensating them for injuries, Jacques de Verteuil said in Halifax Thursday.

Mr. de Verteuil — formerly the manager of a federal-provincial agreement providing funding for criminal injuries compensation — was addressing delegates to the International Association of Crime Victims Compensation Boards Conference in Halifax.

Vastly different rationales have been used by criminal injuries compensation boards around the world to serve as the basis for determining who should be compensated and to what degree, Mr. de Verteuil said.

"But I think," he said, "that in general, these rationales have not been well considered. Victims were never really asked what they wanted."

When the criminal injuries compensation board originated in the early 1960s in Britain, he said, "there was a perceived need to buy off victims ... so they would not rise up and interfere with developments then going on in penal reform."

That consideration, along with a movement towards expanded social programs like workers' compensation, led to the creation of a criminal injuries compensation philosophy that was not well thought out.

"The rationales should be based on a very careful assessment of victims' needs," said Mr. de Verteuil. Instead, he said, victims sometimes feel uninformed and powerless in dealing with the widely varying provisions of compensation programs across Canada and beyond.

Financial compensation, Mr. de Verteuil said, is often only of secondary importance to victims. The primary need of most injured parties, he suggested, is a recognition from they state that they have been wronged.

Compensation boards cannot grant every claimant's application, said Lord Mark Carlisle, the chairman of the Criminal Injuries Compensation Board of Great Britain.

The board, which has set a lower limit on financial compensation of £550 (approximately $990 Cdn), has no upper limit on awards, he said.

"Any system that would try to compensate everyone," he said, "would quickly grind to a halt."

Nonetheless, in 1988, the highest award handed out by the British board amounted to £496,400, or just under $894,000 Cdn.

Crime victims comp panel overloaded, says chairman

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Vastly different rationales have been used by criminal injuries compensation boards around the world to serve as the basis for determining who should be compensated and to what degree, Mr. de Verteuil said.

"But I think," he said, "that in general, these rationales have not been well considered. Victims were never really asked what they wanted."

When the criminal injuries compensation board originated in the early 1960s in Britain, he said, "there was a perceived need to buy off victims ... so they would not rise up and interfere with developments then going on in penal reform."

That consideration, along with a movement towards expanded social programs like workers' compensation, led to the creation of a criminal injuries compensation philosophy that was not well thought out.

"The rationales should be based on a very careful assessment of victims' needs," said Mr. de Verteuil. Instead, he said, victims sometimes feel uninformed and powerless in dealing with the widely varying provisions of compensation programs across Canada and beyond.

Financial compensation, Mr. de Verteuil said, is often only of secondary importance to victims. The primary need of most injured parties, he suggested, is a recognition from they state that they have been wronged.

Compensation boards cannot grant every claimant's application, said Lord Mark Carlisle, the chairman of the Criminal Injuries Compensation Board of Great Britain.

The board, which has set a lower limit on financial compensation of £550 (approximately $990 Cdn), has no upper limit on awards, he said.

"Any system that would try to compensate everyone," he said, "would quickly grind to a halt."

Nonetheless, in 1988, the highest award handed out by the British board amounted to £496,400, or just under $894,000 Cdn.

Survivors are beginning to win their fight for recognition

The lonely struggle of victims of crime

By ROB ROBERTS
The Daily News

MARY TIDSWELL'S LIFE was shattered when a drunk driver's car killed her 14-year-old daughter two years ago. Her anger still smoulders — and much of it is directed against the criminal justice system. She says court officials treated her like "just another Joe Blow" during the 10 months that the driver's case crept through the clogged court system. The Crown prosecutor practically ignored her, she says, and even forgot to tell her when the trial date was changed.

In the end, the driver was convicted of drunk driving and sentenced to two months in jail.

"It was just horrid," says Tidswell, who lives in Glen Margaret. "The victims have no rights at all. You're like somebody looking in. Any information you get you have to push for."

Police are usually quick to inform families when a crime or accident causes a death, but the contact with authorities often ends there. Many crime victims say they have to push for information from Crown prosecutors. And in the courtroom, where the rights of the accused are carefully protected, the victim tends to be ignored as soon as he or she testifies. If the case involves a death, relatives often feel like a pariah.

"Here I am, the father of the victim," says Bert Dixon, whose 19-year-old son Kelly was murdered in August 1986 in a Fairview parking lot. "I'm like a dirty word in court. People don't sit beside me, let alone offer me support."

The frustration and anger of crime victims like Dixon and Tidswell has led to the birth in recent years of citizens' lobby groups across Canada.

And there are signs that their efforts are bearing fruit: attitudes toward crime victims are slowly changing.

Last week, Attorney General Tom McInnis introduced a bill in the Nova Scotia legislature that would create a counselling service for victims of crimes. An advisory committee, including at least two victims of crimes, would advise the AG on victims and their rights. A special fund would pay for research into victims' needs.

The proposed law also would create something of a Victim's Bill of Rights. The Attorney General's department says a victim would have the right to "information about the progress of a criminal prosecution, emotional support before and during a trial, assistance to those reluctant to lay charges and, in high-profile cases, help to deal with media exposure."

"This is something that has been wanting for some time," McInnis says. "There seems to be a spirit to assist these people."

One of the first citizens' organizations formed to fight for victims' rights was Victims of Violence, created in Edmonton in 1984 by Gary Rosenfeldt, whose son Darren was raped and murdered by serial killer Clifford Robert Olson.

Fed up with insensitive RCMP officers who refused at first to acknowledge that a serial murderer was on the loose in British Columbia, Rosenfeldt and his wife went to the media, and allowed their most private grief to become front page news.

At one time, Rosenfeldt says, he thought "pretty seriously" about murdering Olson, but remembered what was left of his family and thought better of it.

Bert Dixon understands. He says 25 per cent of murderers are themselves murdered — often by the family of their victims.

"Over a period, that victim steadily and steadily gets stronger," he says. "He's figuring on what he wants to do."

Dixon, a Dartmouth real-estate salesman, and his wife, Colleen, were vacationing in Cape Breton in 1986 when they saw their son's blood-covered body on television. They didn't recognize Kelly, but when Bert's brother phoned to tell them Kelly was missing, the truth dawned on them.

After the murder, Colleen Dixon went into a downward spiral of depression, losing more than a dozen pounds in two weeks. Her psychiatrist decided she would die unless she were sent to hospital, and admitted her to the infirmary for psychiatric treatment for six weeks.

At the trial of Kelly's attackers, the Dixons learned how their son had died — he had been kidnapped by his ex-girlfriend's new beau, Fabian Picco, and two friends, and received stab wounds all over his body during a frenzied attack in the back seat. He tried to escape by crawling into the front seat, but eventually was pulled from the car and stabbed again, in the neck. The blow severed his spinal cord, and he bled to death.

(Picco, who pleaded guilty to seconddegree murder, was sentenced to life imprisonment with no chance of parole for 10 years; his two friends, convicted of manslaughter, each got nine years.)

Last year, after the court case ended, Bert Dixon began the Nova Scotia chapter of Victims of Violence, with Gary Rosenfeldt's help.

The group has about 50 volunteers, including a dozen who were casualties of violent crimes. Last month, the organization set up shop in an office in the provincial court building on Spring Garden Road. The volunteers counsel victims through their grief, and inform them of their rights to information about court cases and people accused of crimes.

"The prosecutors will tell you what you want to know — but most victims don't realize they can go and ask questions," says Dixon, an intense, prematurely grey man who says the time and effort he has devoted to the organization has left him almost bankrupt.

Last week, another Nova Scotia volunteer group, Citizens United for Safety and Justice, had its first meeting in Truro.

TONY CALDWELL

Mary Tidswell still smoulders with anger over treatment she received following her daughter's death.

TONY CALDWELL

Bert Dixon began Nova Scotia chapter of Victims of Violence following murder of his son, Kelly.

The group is led by Shirley Rogers, whose 25 year-old daughter was run down in North Vancouver by a teenager. The driver was sentenced to one year's probation and 100 hours of community service after pleading guilty to leaving the scene of an accident.

The family made it through with the help of members of the Vancouver chapter of Citizens United, who helped the Rogerses travel across Canada to sit through the trial.

"They met us at the airport, they came with us to court, they had us to their homes — I don't know what we would have done without them," Rogers says.

She says the British Columbia government's victims' counselling office — similar to the one being proposed by the Nova Scotia government — tried to help but was too close to the Attorney General's office and RCMP.

"Anything for the victim I'm for, because victims have been ignored," she says. "I can't believe how long they've been ignored. But I would take these things (government agencies) with a grain of salt."

The Nova Scotia government made its first move toward recognizing victims' in 1980 when it set up the Criminal Injuries Compensation Board. The board can award victims of violent crimes a lump sum up to $30,000, and as much as $500 a month indefinitely. It will not hear cases involving only property.

Compensation Board chairman David Waterbury, a Kentville lawyer who has also acted as prosecutor during his 40year career, says it was high time the victim was remembered.

"In the criminal law, you're dealing with the accused," he says. "The victim's just another witness. Unfortunately, that's the way it's been."

Last October, the provincial government passed a law giving victims of crime the right to explain in court how the crimes affected them. The trial judge would take a Victims' Impact Statement into account in sentencing. The procedure is used frequently in Quebec, but so far has been used only once in Nova Scotia — during the sentencing of Lisa MacDonald in January for the manslaughter death of her lover, Phillip Power.

McInnis says the government's latest move to aid crime victims — the Victims' Rights and Services Act — won't preempt volunteer groups like Dixon's.

"This will be a professional service," McInnis says."That's not to say his wasn't, but these people will be specially trained in this area."

Bert Dixon says he likes the idea of the proposed law, and approves of the plan to fund services through higher court fines. "They're putting the onus on the criminal; they're not putting it on the taxpayers' back."

He also approves of a victims' bill of rights. "How much teeth it's going to have will remain to be seen."

Mary Tidswell also applauds the government's move: "If it's followed through, I think it's super. If the victim's family is aware of what's going on, that's super."

Some concerns

Dixon has some concerns about the new bill, however. He wants groups like the Elizabeth Fry Society and the John Howard Society to get access to funds so that they can start counselling victims as well as criminals. And he worries that the proposed new service won't deal with the majority of victims who never go to court.

Some critics of the bill also question the usefulness and potential dangers of a clause that could keep victims' names confidential. The act is not specific about how this would be done. Halifax lawyer Alan Parish fears that the clause could limit freedom of the press.

"I can see the media having all kinds of problems with it," said Parish. "And I can see it really not having any strength because of the way it's drafted."

McInnis's new bill does not specifically address crime victims who often have the roughest experience of all — victims of sexual assaults.

Whether adult or child, sex victims are often victimized twice. Criminal defence lawyers question adult rape victims closely in court, and often try to show that the victim consented to a rape. (Things may get worse — an Alberta court recently ruled that a woman's sexual history is relevant evidence in a rape trial.)

In Halifax this week, Alfie Boudreau, 23, was sentenced to 14 months in jail for the violent rape of "Carol," a 20-year-old university student. Boudreau, a friend of Carol's boyfriend, waited outside her home one night and attacked her when the boyfriend left. Carol says she felt the Crown prosecutor didn't believe her at first, and also didn't object at the preliminary hearing when Boudreau's lawyer questioned her about her sex life with her boyfriend.

The defence lawyer, Joel Pink, accused her of consenting to the sex, and then making up the rape story after she realized she'd slept around on her boyfriend.

"It was one of the most horrible things I'd ever gone through," she says. "Joel Pink took me through the wringer and back. And the only person who stopped him was the judge."

Carol says she felt virtually forgotten by the inexperienced and overworked prosecutor, and that she had to keep calling her to find out the trial date.

"I feel that they're just so backlogged that you're lost in the shuffle," she says.

She's not alone. "Mary," whose brother sexually assaulted her nine-year-old daughter, also felt ignored by a prosecutor who didn't know how to handle the case. He didn't tell them what to expect in court, and didn't think to ask the judge if the girl could testify from behind a screen.

"He wasn't comfortable with the case," Mary says. In her daughter's case, the investigating officer notified social workers early, and she only had to tell the story once.

A Halifax social worker says that in some cases a child might have to tell his or her story a dozen or more times: to a parent or teacher, to a police officer, to a hospital counsellor, to a Children's Aid social worker, to a prosecutor, possibly to a family court prosecutor and judge, and to any number of other people. Then the child finally takes the stand to testify in a public criminal court.

"That's a lot of people for a little kid," says the social worker, who would like to see one person appointed to co-ordinate these cases in metro Halifax.

"Child sexual abuse is the only crime that crosses as many systems as it does."

Many of the police and prosecutors in Halifax don't have the experience or training to deal with the heart-wrenching cases of sexually assaulted children. The Halifax Police Department once gave that responsibility to one officer, but that changed when the department switched to community-based policing. Sexual assault cases are distributed among Crown prosecutors, limiting the experience of any one of them.

For a five-year-old child, being on a witness stand, and sometimes enduring lengthy cross-examination by a defence lawyer, can be a scary experience.

"The experience I've had," County Court Judge Charles Haliburton said at one recent sentencing, "indicates the trauma of appearing in court creates almost as many problems for such victims as the offence itself."

Held in jail

In one recent case in Halifax, a 15year-old girl, confused and angry after being sexually abused by her father for four years, was held in jail for several weeks when she ignored a subpoena to testify against him at his trial. Last week, he was sentenced to 18 months in jail.

Sexual assaults against children are becoming more common than rapes of adult women, Crown prosecutor John Scott says. Halifax's Service for Sexual Assault Victims have found that biological fathers are the most common offenders, followed by an uncle and then a neighbor. SSAB, however, doesn't deal with sexual assault cases involving children, according to spokeswoman Helen Grant.

More and more sexual assault cases end up at the Criminal Injuries Compensation Board. In one recent decision, three brothers won a total of $13,000 for the pain and suffering they suffered from being sexually abused by their mother's boyfriend. The mother was also deemed a victim, and awarded $3,000.

Until September 1988, the board had been unwilling to recognize that the family of a murder victim is also a victim. After being refused compensation when their son was murdered, Bert and Colleen Dixon took their fight to the Nova Scotia Supreme Court's appeal division.

The court ordered that Colleen be compensated; the board gave her what was then the highest possible award, $15,000.

Board swamped

After several years of steadily increasing business, the board suddenly finds itself swamped with applications, thanks both to increased media coverage and referrals from Dixon's group.

In 1984, the board awarded $176,403 to 79 people. In 1985, the board awarded $278,558 to 88 people. In 1986, $325,606 was awarded to 89 people. In 1987, it was down to $284,988 to 101 people.

Figures aren't yet available for 1988. So far this year, board chairman Waterbury says, the board has been receiving up to an application ever day.

"I thought I was going to be able to do it part-time," Waterbury says. "But cripes, it keeps me here longer and longer."

A second secretary is on its way for the board, and Waterbury says it may soon have to hold hearings more often than twice a week. He can foresee a day when two boards sit at once.

The government has put no cap on how much the board can award in a year, and the chairman isn't concerned that will happen. He says the province seems to recognize the importance of helping victims.

"Sometimes the government has to stop spending money," Waterbury says. "It's happened in other jurisdictions, but I don't see how it can happen here. It's so essential.

"We should have been looking at victims much sooner than this."

Nova Scotia

Criminal Injuries
Compensation Board

PO Box 985
1660 Hollis Street
Halifax, Nova Scotia
B3J 2V9

902 424-4651

Our file no

Re: Application for Compensation

Receipt is acknowledged of your applications for compensation dated and respectively.

While the Board carries out investigations, it is your responsibility to substantiate injury and financial loss. You must, therefore, be prepared to prove to the Board the nature, extent and duration of the injury from pain and suffering and actual disability.

Documentary proof is required for any claim for lost wages or incapacity or for any expenses. It is preferred that these documents be forwarded to the Board before the hearing if possible, for example, pay stubs, receipts, invoices, tax returns, etc.

The Board will contact the physicians, hospitals, and law enforcement agencies involved.

The Board must also make inquiry of the victim's:

1. cooperation with the law enforcement agency, that is, the police and the judicial process, and

2. behaviour that directly or indirectly contributed to the injury.

David J.C. Waterbury, Q.C.
Chairman

Dr. C. Benson Auld
Vice-Chairman

Patrick C. Copeland, C.A.
Member

The Board is bound to make this inquiry pursuant to Section 25 of the Compensation for Victims of Crime Act.

As soon as the required information is received by the Board, you will be notified of the place and date of a hearing at which you, and any witnesses you may wish to call are required to attend.

Please do not hesitate to inquire of the Board in any matters concerning this application. Although a hearing is usually required, this procedure is not as formal as usual court proceedings and will not be a very trying experience to an honest victim.

Yours truly,

Keith S. Hall
Investigator

KSH:dc

Enclosure

Compensation for Victims of Crime

Nova Scotia
Department of Attorney General
Criminal Injuries Compensation Board

Compensation For Victims of Crime

The Government of Nova Scotia, with some financial assistance from the federal government, has set up the Criminal Injuries Compensation Board to adjudicate claims and award compensation to victims of crime.

Eligibility

To be eligible for compensation, a person must have suffered personal injury resulting from the commission of an offence such as assault, wounding with intent, murder, robbery, criminal negligence, arson, sexual assault and certain other offences. Injuries suffered while assisting a peace officer or preserving the peace are also covered. The dependents of a person killed in these circumstances may also apply for compensation.

Injury means actual bodily harm, mental or nervous shock, and pain or suffering.

Compensation

The Board may compensate a person or his dependents for the following:

- Wages or salary lost because of an injury, including potential loss of earnings.
- Funeral expenses
- Pain and suffering
- Maintenance of children born as a result of sexual assault
- Other expenses or losses incurred as a result of the injury or death

Conditions

The crime and injury must have taken place in Nova Scotia.

The application must be filed within one year of the injury or death unless an extension is granted by the Board.

The loss for which the claim is made must be over $250.00.

The applicant must cooperate with the Board, and testify under oath or affirmation.

If required by the Board, the applicant must consent to a medical examination.

Hearings

Once the application has been made, the Board will hold a hearing. Under normal circumstances, the hearing will be open to the public, but the Board may hold any hearing, or part thereof, in camera in appropriate circumstances.

Other Benefits

The Board will deduct from the award any benefits from other sources which the applicant has received because of the injury or death.

Claims Not Allowed

The Board will not award compensation for property damage.

Required Information

The Board may require documents to substantiate or prove any claim. For this purpose, applicants are advised to obtain and keep receipts of all costs directly related to the injury or death, and be able to provide supporting evidence for claims that wages or salary were lost because of the injury.

Behaviour of the Victim

Before awarding compensation, the Board must consider any behaviour of the victim that directly, or indirectly, contributed to his or her injury or death.

For Further Information

Necessary information for filing a claim may be obtained from the Criminal Injuries Compensation Board which is located on the 10th floor of the Centennial Building, 1660 Hollis Street, Halifax, Nova Scotia. You may also write or telephone.

Criminal Injuries Compensation Board
P.O. Box 985
Halifax, Nova Scotia
B3J 2V9
Telephone: 424-4651 or 424-4652

APPENDIX C

Victim of beating with bat wins $8,000 for suffering

The man's nickname was Horse. Wilf MacLean and his two buddies met him at a Sydney tavern in January.

Horse, whose real name is Malcolm MacNeil, invited them back to his place for a few more brews. But then MacLean heard Horse get into a heated phone argument with someone in another room.

Horse returned, carrying an aluminum baseball bat. MacLean was alone.

"I'm going to hit you," Horse told him.

MacLean, who turned 22 yesterday, went for the door, but Horse started hitting him. That's where MacLean's memory of the event ends.

What apparently followed was a vicious beating for which MacLean was awarded $8,000 for his pain and suffering by the Criminal Injuries Compensation Board in a decision released yesterday.

As well as having cuts and bruises all over his body, MacLean suffered a fractured skull, and he still has hearing loss and headaches. His most serious injury, however, is to the small finger on his right hand.

"(MacLean) had a particularly painful and frightening experience, and is permanently disabled insofar as the use of one of his fingers is concerned," said the board's decision.

MacLean was drinking, but the board didn't deduct anything from the award, as it has in several recent cases.

Daily News, July 1989

Compensation cut for drunken victim

A woman who was badly beaten in an elevator by a drunken man has had her compensation chopped by $1,000 because she was badly impaired herself.

Barbara Verge will receive only $2,000 from the Criminal Injuries Compensation Board for a beating in June 1987 in her Top Of The Mountain apartment in Spryfield.

The man fractured her wrist and hurt her neck.

"He threw me around in the elevator," Verge, 37, said. "On the seventh floor he threw me off the elevator through the door against the wall and he used his fists on me."

Verge had spent the night drinking at the Misty Moon, and was too drunk to describe her attacker for police until the next morning. Denton Ehler was later sentenced to 90 days in jail for the assault.

"This was a rambunctious meeting of two citizens of the area after they had participated in the consumption of substances not really designed to bring out their best characteristics," the board said.

Daily News, October 25, 1989

Injuries board caught in a contradiction

To the editor:

Since the introduction of the Criminal Injuries Compensation Board, the media has transmitted to the public the facts of the cases and the allotments awarded the innocent victims.

Please do not misconstrue my feelings on this issue as I adamantly believe and support this form of restitution for those violated.

But why the disparity in rulings?

Several weeks ago you reported the case of a man robbed and viciously beaten last year on a Halifax street.

The victim was awarded a stipend by the board but had it reduced because he had been declared intoxicated at the time of the attack and hence contributed to his own misfortune.

Last week you reported the case of a Pictou County man who was sexually assaulted and beaten by two men but once again his award was decreased on the same grounds.

In the July 3 edition of your paper, you reported the case of an RCMP officer being assaulted in his vehicle enroute to headquarters with a prisoner. This occurred after the officer lowered the protective screen between him and the party in custody.

Was he not errant in this case? His award was not amended.

Is there that great a difference between a citizen over-imbibing and an officer of the law being negligent by not taking proper safety precautions? Surely, there must be a basic procedure laid down in the departmental policy in this regard. What is the screen for?

Reiterating, please do not misinterpret my sensitivities on this matter as I am certainly not anti-police, but the contrary, with the utmost respect for the officers with their thankless job and little backing from the courts.

But how the board arrived at these decisions is beyond my comprehension, or is there really a law for the rich and one for the poor.

Gene Skiels
Halifax

Daily News, July 198[illegible]

APPENDIX D

Daily News, December 20, 1988

Officer gets compensation

Nova Scotia's Criminal Injuries Compensation Board has awarded a Halifax police officer $3,166 for an injury he received in the line of duty last spring.

The board gave Const. Bruce Publicover the money after the officer complained a broken hand forced him to miss four months work and potential overtime earnings of about $930.

Publicover, an 18-year veteran, received $1,166 for lost wages and $2,000 for pain and suffering.

He was hurt last March during the midnight booking of 34-year-old Eugene Walsh, arrested in downtown Halifax for public drunkenness.

During two days of hearings, Publicover testified he was kicked by Walsh during a struggle that erupted while he and two other RPD officers were escorting the man into headquarters.

Although he acknowledged he wanted to make the officers' job more difficult at the time, Walsh testified he was a victim of police brutality and said Publicover hurt his hand while beating him.

Daily News, February 16, 1989

"Generous' crime award to cop to be appealed

A Halifax man says he is appealing a criminal injuries compensation award given to a Halifax police officer because it was too generous.

Eugene Walsh, a 35-year-old marine rigger, said he will appeal the award to Const. Bruce Publicover — who fractured a finger while arresting Walsh last year — to the Supreme Court of Canada.

Publicover received $3,166 from the Criminal Injuries Compensation Board. Walsh was convicted of assaulting Publicover and fined $360.

Walsh said he doesn't question his conviction, but does question the amount Publicover received. "If police officers continue to get in on the act (compensation board awards) and continue to receive excessive awards, that will undermine the real importance of the Victims of Crime Act," Walsh said.

"The board should give people awards according to their pain and suffering, not according to whether they have a badge on," said Walsh.

"I feel that the panel judges feel they have a responsibility to award maximum awards to police officers for whatever reasons," he said.

THE DAILY NEWS, FRIDAY, JUNE 16, 1989

Cop-beater accuses board chairman of tape-tampering

By ROB ROBERTS
The Daily News

Immune from libel laws in a courtroom, as anyone is, a convicted cop-beater yesterday accused the chairman of the Criminal Injuries Compensation Board of improprieties.

Eugene Walsh, 35, accused chairman David Waterbury of secretly tampering with board transcripts to protect the cop in the case. He also made the claim that something illegal was happening.

Walsh was acting as his own lawyer in the appeal division of the Nova Scotia Supreme Court. He asked the court to overturn a decision of the board that awarded $3,166 to Const. Bruce Publicover for a broken hand he suffered while arresting Walsh for public drunkenness in the spring of 1988.

The court reserved decision.

Walsh had been convicted of assaulting Publicover, an 18-year veteran, despite his claim that the cop's hand broke when he punched Walsh. Walsh had become suddenly violent and began kicking at Publicover and two other cops as they tried to get him into the drunk tank.

Walsh did not question the conviction, but said the injuries board did not consider how Publicover's wrist was actually broken when it compensated him.

Walsh even quit his job as a marine rigger to devote himself full-time to the legal fight.

In court yesterday, Walsh said 15 minutes were missing from a tape recording of the case's transcript, and he claimed Waterbury was the culprit.

He said the tapes were also tampered to alter Waterbury's tone of voice.

"He screamed at me that day — 'JUST LET ME ANSWER THAT QUESTION,' Walsh said, mimicking a shouted voice. "Now it's 'just let me answer that question.' On the tape it sounded like butter would melt in his mouth, but he was screaming that day."

Because they were made in a courtroom, the claims are immune from prosecution. But the three judges warned him: "I wish you'd speak to the point in your appeal," said Mr. Justice Ian MacKeigan, "and not make allegations."

MacKeigan was interested on two points of law: that the board apparently didn't consider whether the punch may have aggravated the existing hand injury, and the board may not have had any jurisdiction to compensate Publicover, because he had already received money from the Workers' Compensation Board.

APPENDIX E-1

THE DAILY NEWS, FRIDAY, DECEMBER 23, 1988

Cops, too, entitled to crime compensation

By MARK BLANCHARD
The Daily News

When Bill Cowper tries in the new year to get a cheque that will make up for the emotional trauma he says he's suffered since shooting a bank robber, it won't be the first time a cop has called upon Criminal Injuries Compensation Board.

"Policemen are just as entitled to make an application to this board as anyone else," Keith Hall, the board's chief investigator, said yesterday.

And Hall said a dozen police officers had applied for compensation in the seven years the board had been operating.

Cpl. Cowper is the Halifax Police Department detective who shot Jimmy Hersey during last year's bank holdup at the city's Northwood Centre.

He has asked for compensation for psychological and emotional trauma — in the form of "acute anxiety and stress, sleep disturbance, physical sickness and depression," according to his application.

And, like anyone who helps out peace officers, arrest criminals or tries to prevent a crime, he is allowed to seek some financial remuneration for his injuries, pain and suffering. Hall said that comes under Section 3 of the Compensation Act.

In most board cases, there is a $30,000 maximum for a victim of a crime.

But that restriction does not apply when the victims are cops and civilians who've decided to fight crime and stop one from happening, he said.

To date, a dozen police officers and "two or three" bystanders who got involved have been compensated by the board, he added.

It is possible, Hall said, that Nova Scotia's legislators didn't limit the board's awards to peacekeepers as a message to them that, "We'll take care of it."

"It just so happens that police are often involved in that activity by the very nature of their jobs," he added.

As for critics who say cops shouldn't be able to seek compensation from the board, because dealing with criminal is part of their job description, Hall said that some think society asks too much of police.

"There are a lot of people in society who say, 'I think police are underpaid,' and that they are hard done by."

APPENDIX E-2

Standoff nightmares, Mountie gets $6,500

A Truro Mountie whose life was "messed up" after a tense standoff with a suicidal gunman has been awarded $6,500 from the Criminal Injuries Compensation Board.

Const. Guy Roy encountered the gunman, Darren Roode, when he went to Roode's home with a search warrant to seize the guns in December 1987.

"When we arrived at the scene," Roy told the board, "Roode shot my partner in the hand. I remained in the house negotiating with him for the next two hours.

"Roode then came out of his bedroom and pointed a firearm at me. At this time I fired a shot in self-defence wounding him in the hand. Roode then shot himself in the stomach."

Roy was unhurt, but said he cannot get it out of his mind and still has nightmares about it. Whereas he used to enjoy his job, he has to force himself to got to work and is thinking about leaving the RCMP.

"I thought that was it," he said of watching the gun barrel pointed at him. Though he's come to acceptance, it came only after "six-month nightmare."

The officer became withdrawn, and easily irritable. He was referred for psychological counselling.

"Mr. Roy believes that the shooting incident has really 'messed up his life,'" said the report, from counsellor William Pearce. "For the first time in his life, he is plagued with nightmares and insomnia."

The compensation board described the incident as "a very dangerous episode in which the life of the applicant was definitely threatened." It awarded Roy $6,500 under the pain and suffering category of compensation.

Also at the compensation board, a Halifax store owner who got stabbed when he confronted a bank robber has been awarded $2,500.

Al MacDougall went outside his Oxford Street store, near the bank being robbed, and when someone yelled "Stop that guy," as Denis Rollin made his getaway on a bike, MacDougall tried to do so. He was stabbed several times during the ensuing scuffle.

He suffered considerable pain and had to hire help at the store.

Daily News, January 12, 1989

Board awards Mountie $14,000 for loss of eye

By ROB ROBERTS
The Daily News

An RCMP plainclothesman who lost an eye in the line of duty last August was awarded $14,000 yesterday by the Criminal Injuries Compensation Board.

Const. Greg Skidmore, now assigned to a desk job in the Mounties' intelligence division in Halifax, was also awarded monthly payments of $400.

The 35-year-old officer was with the Cole Harbour detachment when a drunk struck him with a glass object on Aug. 19 last year.

He immediately fell to the ground and lost a great deal of blood on the way to the Halifax Infirmary. A man was charged in the incident and will appear in court in February.

Skidmore — who has refused to talk to reporters until the court case is completed — lost all sight in his left eye, but it wasn't until September that pain and headaches forced him to have it removed and replaced with an artificial eye.

The constable has had a harder time dealing with the psychological and financial effects.

"Since receiving injury, the application has gone through very traumatic experiences beginning with the possible fear of losing his life, then to losing sight of his eye," said the board.

"He is unable to undertake the vigorous activities, both in his profession as a police officer and extramurally by way of athletic endeavors, and certain activities which he enjoyed have been deprived to him for the rest of his life."

Skidmore can never again be a street officer.

He is, however, still eligible for officer status, and the board said other members with diminished eyesight have been promoted. As well, an injury board within the RCMP can find such injuries duty-related, and compensate him on retirement.

Three weeks ago, the constable started new duties as an analyst of organized crime activities with the RCMP's Criminal Intelligence Services of Nova Scotia.

"He's happy with it," his new boss, Sgt. Gary Mumford, said yesterday, "because of the fact it's still quasi-operational."

Daily News, January 21, 1989

APPENDIX E-4